

Second, Applicants believe that claims to be restricted to different species must be mutually exclusive, i.e. they must have mutually exclusive characteristics. Examiner has provided no reasoned explanation how the items (a) - (k) describe species that are mutually exclusive and is therefore improper.

Third, Examiner has failed to provide an explanation how an eleven way restriction is a reasonable number of species since "the examiner may require restriction of the claims to not more than a reasonable number of species" 37 C.F.R. §1.146.

Fourth, Examiner's restriction requirement has not established that an undue burden would be required if the restriction requirement either was not issued or if issued with fewer species. More particularly, MPEP §803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present application, no undue burden has been established if each of the claims were examined together. In particular Examiner has neither indicated nor has given any arguments as to why prosecution of claims to species (a) -(f), or claims to species (g) - (k) presents any serious burden as required by MPEP §803.

The present restriction requirement not only improperly shifts the Examiner's burden to the Applicants, but also subjects the Applicants to the added financial burden of prosecuting different claims in an unreasonable number of separate proceedings. Applicants respectfully request that Examiner reconsider the current restriction and remove this restriction requirement.

In addition, Applicants note that Examiner's requirement for restriction in identifying 11 distinct species has not included many of the claims presently pending in the application. Applicants assume for purposes of this response that those claims not identified are generic to Examiner's identified species, this includes 5-8, 13, 15-16, 19-20, 27-28, 33, 46-48, and 60.

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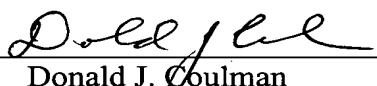
PATENT APPLICATION
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Thus, Applicants hereby provisionally elect with traverse species (a) covering claims 1-13, 15-16, 19-20, 27-28, 33, 46-48, and 60. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional, continuation, and/or continuation-in-part applications that cover the non-elected claims.

Applicants note that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species.

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Respectfully submitted,
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